

SOUTH DAKOTA DEPARTMENT OF EDUCATION SPECIAL EDUCATION PROGRAMS

Southeastern Behavioral Center Continuous Improvement Monitoring Process Report 2004

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This report contains the results of the compliance review completed by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision

General supervision means the school district and the agency's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Meets Requirements

The reviewers found the Southeastern Behavioral Center meets the requirements in all areas of general supervision. Nine student files were reviewed and reviewers found all to have the required content. There are no agency students enrolled in private schools. The goals and objectives for each student are aligned with the Southeastern Behavioral curriculum which is in turn aligned with the South Dakota content standards or functional standards. The agency suspension and expulsion policies meet state and federal regulation. The agency has employed fully certified personnel for all professional positions.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Meets Requirements

It is the responsibility of school districts to provide a free appropriate public education to students from birth to age 21 within their attendance boundaries. The Southeastern Behavioral Center then functions as the service provider to students with disabilities that are placed by the school districts. The agency meets all requirements with respect to the requirements of free appropriate public education (FAPE).

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Meets Requirements

The agency meets all requirements with respect to appropriate evaluation in using appropriate tests and properly certified evaluators. Valid and reliable evaluations were being used when evaluating students.

Out of Compliance

ARSD 24:05:30:04. Prior notice and parent consent.

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

The reviewers found in three of nine files that evaluations were not conducted in the 25 day timelines. Consent was received by the parents at the annual IEP meeting but Southeastern Behavioral staff conducts evaluations throughout the entire year. The prior notices did not contain all areas being tested. The reviewers found functional assessment was being completed, but it was not addressed on the prior notice.

ARSD 24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;

- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

The reviewers found the prior notices used by Southeastern Behavioral were not filled out completely in six of nine files. The agency needs to address all areas on the prior notice form sent to the parents.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school district and the agency makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Meets Requirements

The Southeastern Behavioral Center meets several requirements with respect to procedural safeguards. The reviewers concluded that parents are informed of their parental rights. Parents have been informed of all relevant consent information in their native language. Parents have the opportunity to access and inspect applicable student records. The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

Out of Compliance

ARSD 24:05:29:07. List of types and locations of information. Each school district shall provide parents on request a list of the types and location of education records collected, maintained, or used by the district.

Student files at Southeastern Behavioral did not specify where other locations of student information could be found.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Meets Requirements

The Southeastern Behavioral Center meets requirements with respect to annual IEP meetings, IEP membership, and IEP content.

Needs Improvement

Present levels of performance must be linked from the evaluations to the present levels of performance, and then used to write the goals and objectives. Transition must also be addressed for students age 14 and older. Statements on the present level of performance page included general statements about students instead of specific, skill based information.

Out of Compliance

ARSD 24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

The team reviewed student files and found that transition components for secondary IEPs and IEP related issues were not being completed. The course of study was not identified in eight of nine files. Southeastern Behavioral does not have a standard curriculum for any of their subjects. Through teacher interviews it was explained that there is not a standard curriculum in the agency. Some home school districts send their curriculum to Southeastern to use. If this does not occur, each teacher then must develop their own curriculum based on each student's educational needs.

Promising Practices

Each teacher at Southeastern Behavioral had their own unique teaching style they used with their students. For example, one teacher used picture board schedules in the classroom for the non readers. Student seating arrangements also varied according to student needs, some students sat at desks, while others were in bean bag chairs or at tables. Students were allowed the flexibility to move to different locations when needed.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Meets Requirements

The agency meets all requirements with respect to least restrictive environment.

Promising Practices

Southeastern Behavioral has several different clubs, including: sensory, drama, sewing and baking clubs. They also had a game night for students to participate in.

Meals on Wheels is a program Southeastern Behavioral participates in. They deliver meals to people confined to their homes. A student was observed shredding newspapers to donate to the Humane Society to be used for animal bedding.

Students held a Prom at the agency, photos were displayed throughout the building creating a sense of pride for the students. Student art work was also exhibited in the hallways and conference rooms.